

IN THE SUPREME COURT OF THE STATE OF NEVADA

SETH EDWARD GILL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49538

FILED

SEP 08 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL


This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of engaging in business without a license, second offense. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

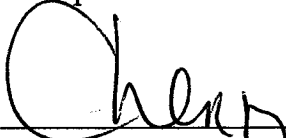
On May 9, 2007, the district court entered a judgment of conviction sentencing appellant Seth Edward Gill to serve 365 days flat time in the county jail. On appeal, Gill challenges the flat time sentence. We recently held in Haney v. State that “there is no statutory basis for flat time sentencing” and noted that “the Legislature has clearly evinced its intention to confer authority upon the sheriff’s office to determine whether an individual inmate is eligible for good time [and work time] credits and that allowing flat time sentencing is contrary to that intent.”¹ However, based on the length of the sentence imposed in this case, it appeared likely


¹124 Nev. ___, ___, ___, 185 P.3d 350, 352, 353 (2008).

that Gill's sentence had expired. Accordingly, we directed Gill's counsel to show cause why the appeal should not be dismissed as moot.²

On July 25, 2008, Gill's counsel filed a response to our order to show cause. In his response, counsel acknowledged that "the one year sentence has been served and the issue is moot for Gill." Having considered counsel's response, we conclude that this appeal is moot and we ORDER this appeal DISMISSED.


_____, J.
Maupin


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. Donald M. Mosley, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk
Seth Edward Gill

²See Johnson v. Director, Dep't Prisons, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989) (stating that the expiration of a defendant's sentence rendered moot any question concerning the computation of the sentence).